



---

## FREDERICK COUNTY PLANNING COMMISSION

### January 10, 2018

---

**TITLE:** Westview South MXD – Residential Section Revision Phase 2

**FILE NUMBER:** S-905/SP-98-36 (AP 17804, APFO 17805, FRO 17806)

**REQUEST:** **Combined Preliminary Subdivision Plan/Site Plan**  
The Applicant is requesting Combined Preliminary/Site Development Plan approval to revise the 16.1-acre Phase 2 portion of the overall approved Westview South MXD Residential project to:

- Remove 96 MF units (three buildings of 32 units)
- Remove 28 '2 over 2' units
- Reduce the single-family dwellings from 61 to 11
- Increase the townhomes from 59 to 139

The revision will result in a new total of 448 dwelling units, comprised of 66 single-family detached dwellings, 264 townhomes, and 118 '2 over 2' units for the Westview South Residential project.

### PROJECT INFORMATION:

ADDRESS or LOCATION: Northeast quadrant of New Design Road and Executive Way  
TAX MAP/PARCEL: Tax Map 86, Parcels 269  
COMP. PLAN: Office/Research Industrial (ORI)  
ZONING: Mixed Use Development (MXD)  
PLANNING REGION: Frederick  
WATER/SEWER: W-3, S-3

### APPLICANT/REPRESENTATIVES:

APPLICANT: WVS Parcel 400, LLC, c/o Matan Properties, LLC  
OWNER: WVS Parcel 400, LLC/Matan Properties, LLC  
ENGINEER: Harris Smariga Associates, Inc.

**STAFF:** Tim Goodfellow, Principal Planner II

**RECOMMENDATION:** Conditional Approval

### ATTACHMENTS:

EXHIBIT 1 - Plan Rendering (Proposed Westview South Residential Plan revisions with Phase 2 outlined)

# STAFF REPORT

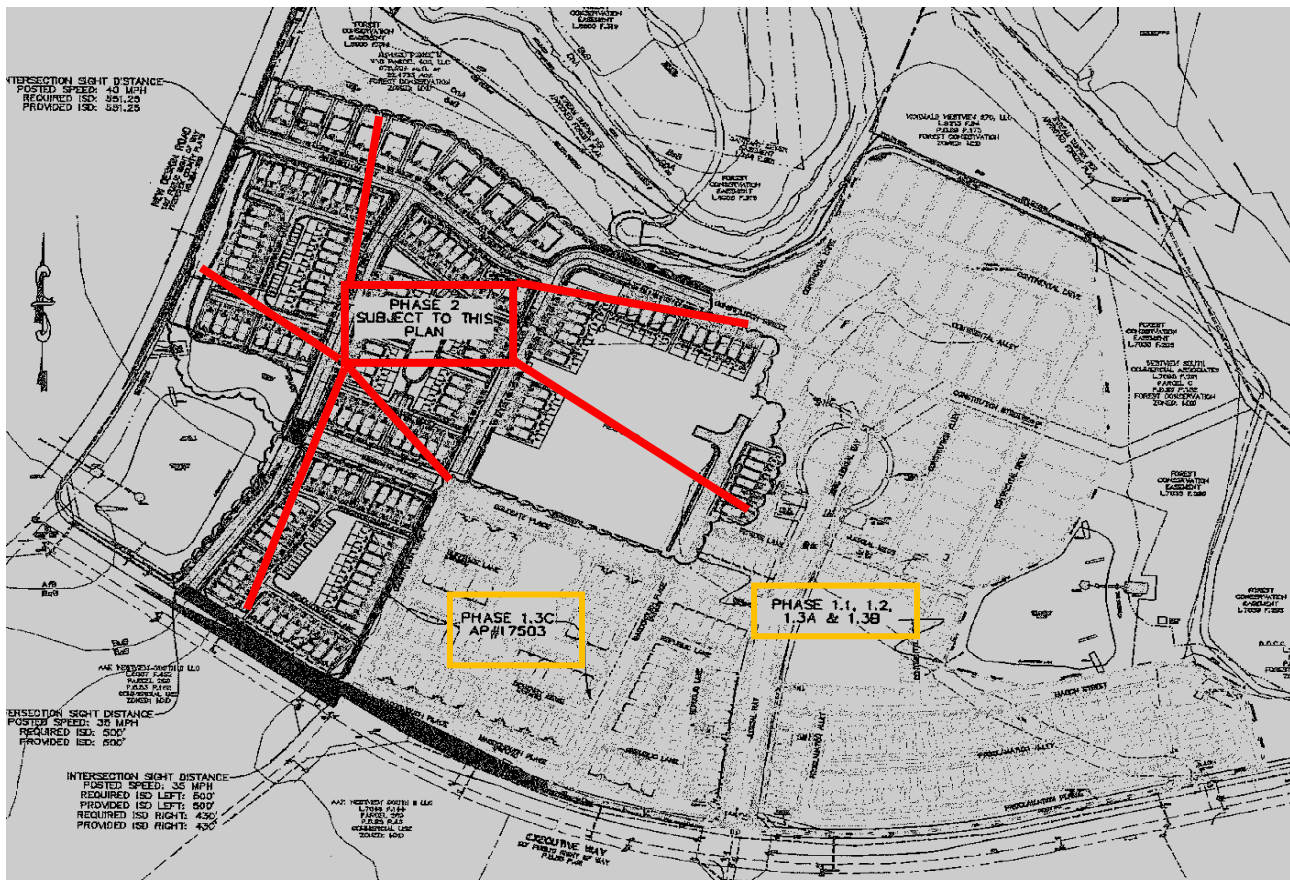
## ISSUE

### Development Request

This application proposes a revision to a portion of the previously approved Westview South Combined Preliminary/Site Plans (AP#15579 and #17503). The proposed revision, described as Phase 2, would impact a significant portion (16.1 acres or 39%) of the overall Westview South Residential project by removing 96 multi-family units and 28 '2-over-2' units, reducing the single-family detached units from 61 to 11, and increasing the number of townhomes from 59 to 139.

The remaining portions of the project, labeled Phase 1.1, 1.2, 1.3A, 1.3B, and 1.3C in the accompanying graphic, are not proposed to be changed and are not a part of this review. Phases 1.1, 1.2, 1.3A and 1.3B are currently under construction. The proposed change in the total number and type of dwellings in the Westview South residential project is shown in the table 1.0.

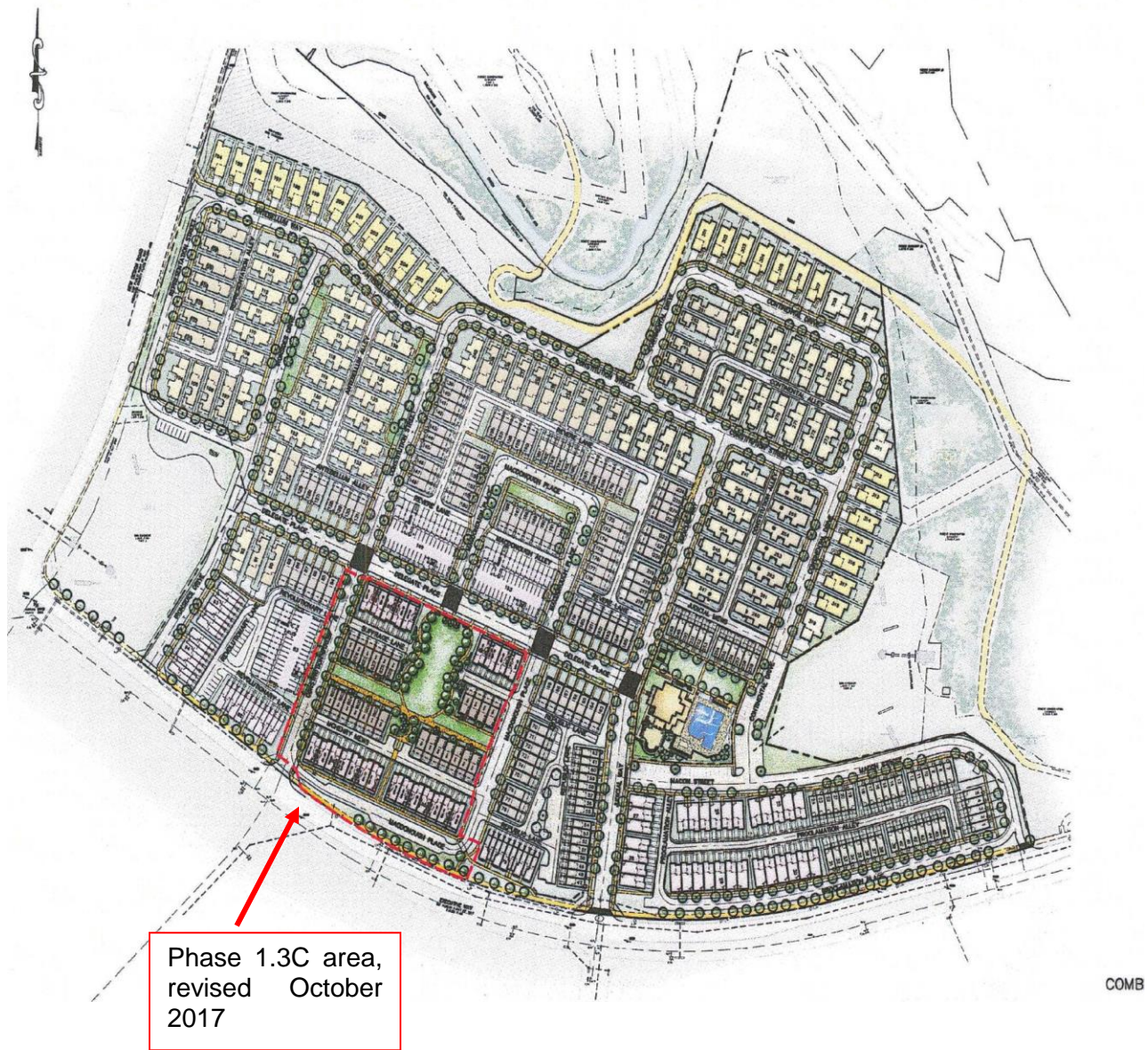
### Extent of proposed revisions to Westview South Residential Phase 2, in relation to Phase 1 sections





**Graphic No. 1: 2016 approved design and density, Westview South Residential ('Part 2' highlighted)**





**Graphic No. 2: Westview South Residential – 2017 approved Phase 1.3C revisions**

This application proposes substantial changes to the design of Phase 2 of Westview South Residential project by:

- Reducing the single-family lots from 61 to 11
- Increasing the townhome lots from 59 to 139
- Removing all (28) '2-over-2' units
- Removing all (96) Multi-family units; and
- Establishing two (2) 0.8-acre open space areas
- Creating a 3-acre remainder 'void' in the center of the project, where prior-approved lots are now proposed for temporary deletion

**Table 1.0, Westview South Residential, Phase 2 Revisions**

<b>Westview South- Residential Section</b>					
<b>Number of Dwellings</b>					
	Currently Approved Plan (includes all Phases)	Currently Approved Phase 2	Proposed Phase 2 Revisions	Change in Units from Currently Approved Phase 2 Plan with Proposed Phase 2 Revisions	New Overall Total (includes all Phases)
<b>Single-family Detached</b>	<b>116</b> (front loaded: 31) (rear/alley loaded: 85)	<b>61</b> (front loaded: 13) (rear/alley loaded: 48)	<b>11</b> (front loaded: 11)	-50	<b>66</b> (front loaded: 29) (rear/alley loaded: 37)
<b>Townhome</b>	<b>184</b> (rear/alley loaded: 184)	<b>59</b> (rear/alley loaded: 59)	<b>139</b> (front loaded: 56) (rear/alley loaded: 83)	+80	<b>264</b> (front loaded: 56) (rear/alley loaded: 208)
<b>"2 over 2" condo.</b>	<b>146</b>	<b>28</b>	<b>0</b>	-28	<b>118</b>
<b>Multi-family</b>	<b>96</b>	<b>96</b>	<b>0</b>	-96	<b>0</b>
<b>TOTAL</b>	<b>542</b>	<b>244</b>	<b>150</b>	<b>-94</b>	<b>448</b>

As shown in Table 1.0, the Westview South Residential project's total dwelling unit count is reduced by 94 with the revisions proposed in Phase 2. The revised Plan envisions the addition of 56 conventional, front-loaded townhome lots; prior Plan approvals from 2015, 2016 and 2017 contained all rear-loaded townhomes with vehicular access through alleys, which is a superior design for pedestrian safety, traffic efficiency, and aesthetic considerations in a high density residential development.

The single-family lots and townhome lots are depicted with 2-car garages. Due to the lot configuration changes in Phase 2, accommodation for two new open space areas, each measuring 0.8-acres in size, is made in the western portion of the project, and contain landscaping and pedestrian access. Benches and lighting are provided in the 10,000 square foot sitting area/open play area north of the stormwater management facility and in one of the new open space areas.

The Project is subject to the requirements of the Phase I rezoning, the Frederick County Code, specifically Chapter 1-16 (Subdivision Rules and Regulations) for the Preliminary Subdivision Plan review, Section 1-19-10.500 Planned Development Districts – MXD provisions, and Sections 1-19-3.300 through 1-19-3.300.4 for the Site Development Plan review. The Site Plan portion of the Project is being reviewed as “Townhouse” under the use heading of *Residential* per §1-19-5.310 Use Table in the Zoning Ordinance.

## **BACKGROUND**

### **Development History**

The Westview South Residential project is a portion of the overall Westview South MXD. The overall Westview South project was the subject of several previous rezonings. The Site was zoned Agricultural (A) from 1959 to 1986, at which time it was rezoned to Office/Research/Industrial (ORI). The Site is currently zoned MXD, which was applied in 1994. In 2001, a portion of the overall MXD was amended for the removal of a residential land use component from the approved land use mixture.

The overall Westview South MXD began construction after the 2001 rezoning and several portions of the Project have been completed. The completed portions include a commercial area to the east along MD 85, portions of an employment area to the west along New Design Road, and major road connections. In addition, the Site includes portions of the Ballenger Creek Trail. The project is subject to a Development Rights and Responsibilities Agreement dated June 13, 2013.

In 2013, another rezoning was approved that resulted in the reintroduction of a residential land use component, not to exceed 615 dwellings. A condition of the 2013 rezoning required public dedication of a 22.49 +/- acre public use site for park purposes prior to recordation of the Project's first residential lot. This public use site is planned to provide a portion of the Ballenger Creek Trail. This site was conveyed to the County on February 17, 2015 per the deed recorded in the Frederick County land records in Book 10423 on page 0083.

The 2016 Preliminary/Site Plan (AP#15579) for Westview South was approved on January 16, 2016, and addressed an area described as ‘Part 2’ of the project, which is larger than the area currently described as ‘Phase 2’ (refer to graphic no.1). The overall number of units in Westview South was established at 600 as part of the 2016 Preliminary/Site Plan approval. In October 2017, a revision to Phase 1.3C (AP#17503) was approved which reduced the overall number of units in Westview South from 600 to 542 through removal of multi-family units (128), and adding townhomes (24) and ‘2-over-2’ units (46) in a 4.93-acre section of the project. Refer to graphic no. 2 for the amended design for Phase 1.3C.

A separate site development plan for a community center, pool, and park space was approved by the Planning Commission on June 10, 2015 (AP#15160).



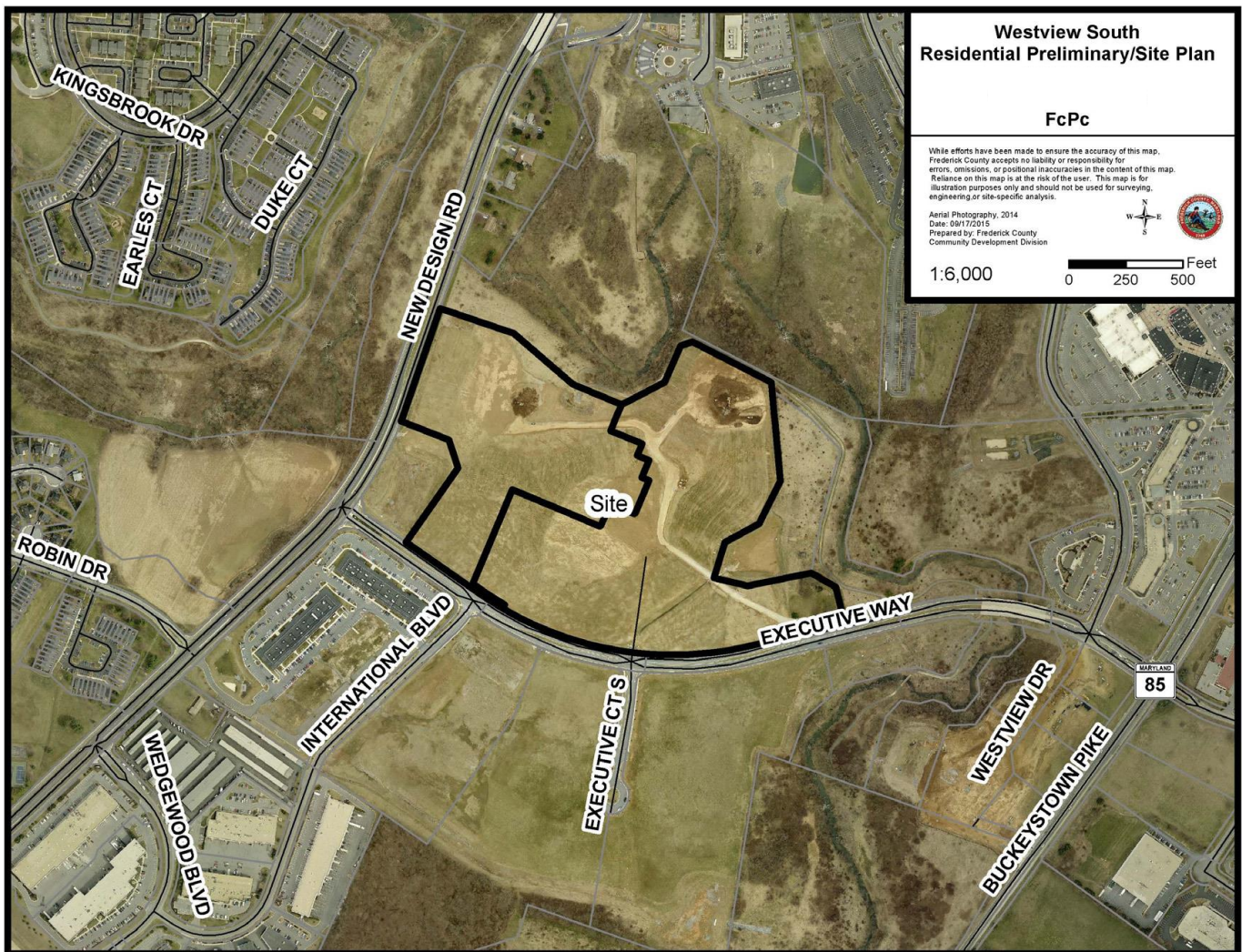
### Existing Site Characteristics

The project site is surrounded by MXD zoning to the north, south, east and west. The properties to the south are designated for employment uses with properties to the east beyond Ballenger Creek developed with a mixture of commercial uses. The project is bound on the west side by New Design road.

Ballenger Creek crosses the northern portion of the Westview South Residential project area, flowing from northwest to southeast into the Monocacy River to the east. Areas of the Site along Ballenger Creek are within the Federal Emergency Management Agency (FEMA) 100 year floodplain. However, the floodplain is located within the area of the project that was dedicated to the County for park purposes, and therefore no residential development is proposed within the floodplain. There are no steep slopes within the residential portion of the Project.

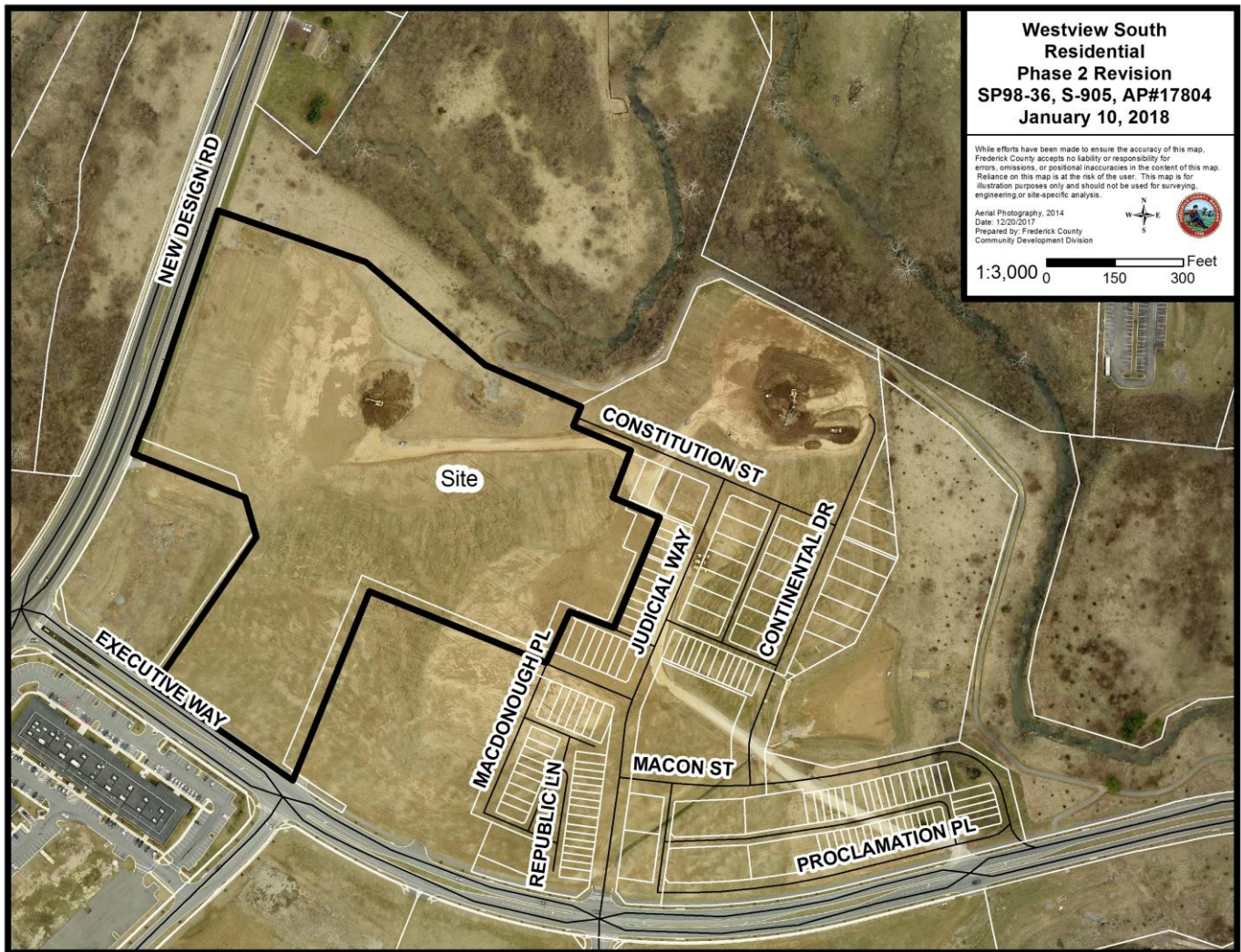
The Site has frontage and access along New Design Road and Executive Way. The Site is served by Tuscarora Elementary School, Crestwood Middle School, and Tuscarora High School.

The following graphic outlines the entire Westview South Residential MXD project area.



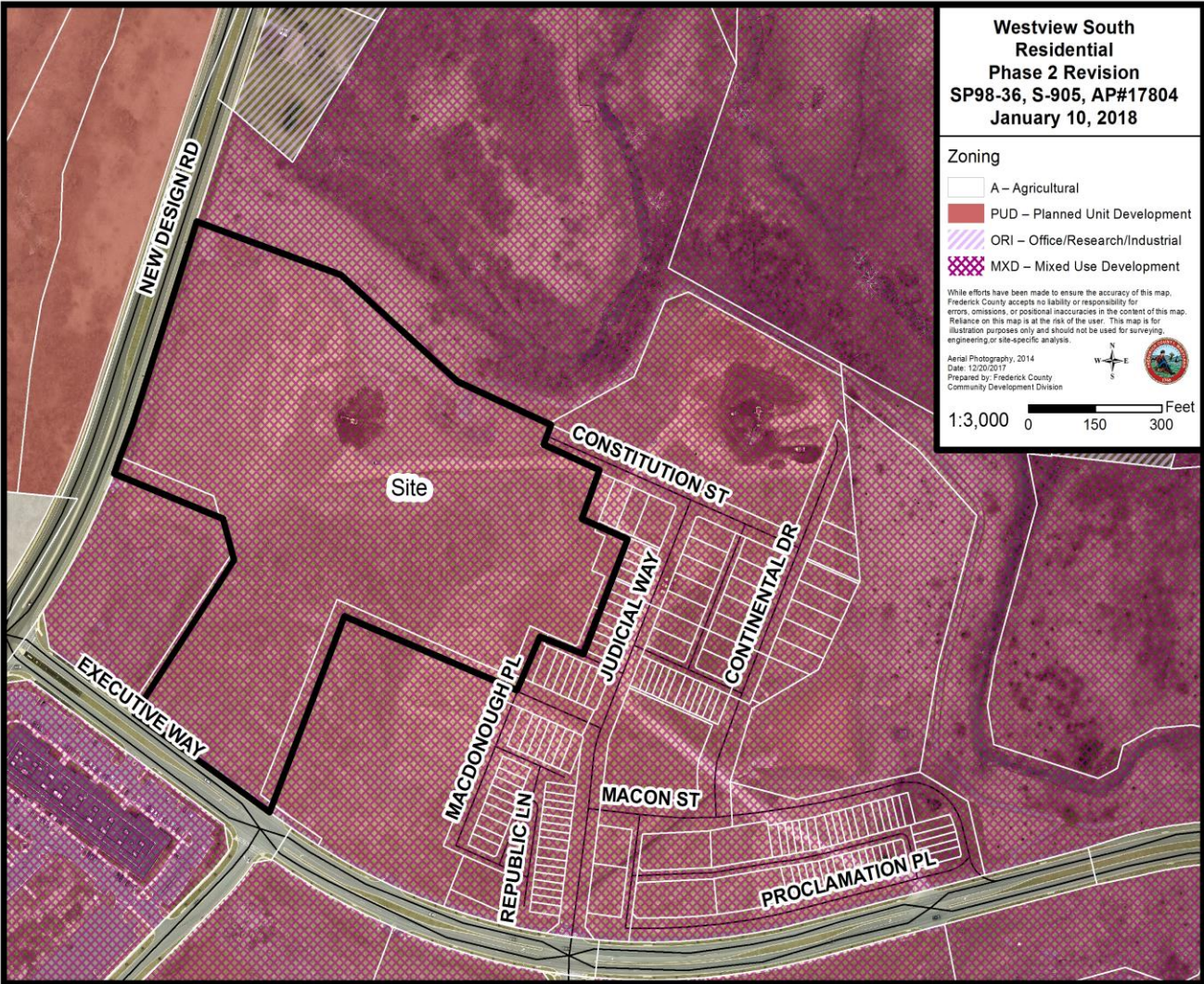


## Westview South Residential Phase 2 Revision





Westview South Residential Phase 2 - Zoning



## **ANALYSIS**

### **Summary of Development Standards Findings and Conclusions**

The changes proposed in this application include a revised mix of dwellings, and alterations to the site's design and physical layout resulting from a reduction in total units, the addition of front-loaded townhomes, and parking and access needs. Setbacks, lot and building dimensional standards, as well as modified lighting and landscaping, based on the revised lot layout, are equivalent to that which has been reviewed and approved in the current Preliminary/Site Plan.

The removal of lots approved on the 2016 Phase II MXD Plan will result in, essentially, an unknown design and unplanned portion of the Westview South Residential project. The placement of mostly front-loaded townhome lots around the perimeter of the 3.1-acre remainder 'void' will impact the future physical layout, lot design and road network in the community. To demonstrate high quality design concepts such as street interconnectedness, traffic efficiency, and pedestrian safety—as required in §1-19-10.500.9--and to show coherence and clarity to the physical design of the future subdivision and greater consistency with the design of Phase I, roadway extensions and connections must be shown within the 3.1-acre remainder area. At a minimum, an east-west connection between Constitution Street and McDonough Place, and a new street from Delegate Place, running in a northward direction, to connect to the above-referenced east/west roadway, must be shown on the Plan.

Preliminary Subdivision Plan and Site Development Plan approval, including APFO review, is required for future development of the 3.1-acre remainder.

The Adequate Public Facilities Ordinance Letter of Understanding (APFO LOU) outlining required public facility improvements was executed in September of 2005 with an amendment in June of 2013 in conjunction with the Westview South MXD rezoning (Case # R-00-02A). A second amendment was executed in May/June of 2014, which was required due to changes in the Project's residential use mix and the resulting increasing in pupil yield. The current application does not exceed the thresholds established by the previous LOU, and therefore does not require an amended LOU.

### **Detailed Analysis of Findings and Conclusions**

#### **COMBINED ANALYSIS OF SUBDIVISION AND SITE DEVELOPMENT PLAN REVIEW**

Preliminary Subdivision Plan approval is determined based upon the requirements found in Chapter 1-16 of the Frederick County Code. Site Development Plan approval shall be granted if the criteria found in §1-19-3.300.4 Site Plan Review Approval Criteria of the Frederick County Zoning Ordinance are met.

#### **SITE DEVELOPMENT**

- **Land Requirements §1-16-217(A) & (B)**

*The land use pattern of the comprehensive development plan and the district regulations of the zoning ordinance shall form the basic theme of the design pattern of the proposed subdivision.*

The Site is designated Office/Research Industrial on the County Comprehensive Plan with Mixed Use Development zoning. The Mixed Use Development zoning signifies the advocacy of a mixture of employment, residential, commercial, and/or civic uses for land that is within Community Growth Areas. The Project is within the Ballenger Creek Community Growth Area, and is part of the overall Westview South MXD, which includes a combination of commercial, employment, and residential uses.



The PUD and MXD zoning districts require development that results in an integrated mixture of commercial, employment, residential, recreational, civic and/or cultural land uses. Projects in this district should employ planning and design that is broad and integrative, and should result in efficient use of land, innovative design involving flexibility not permitted within the Euclidean zoning districts, and promote building and site design that reduces dependence on vehicular movement.

Within the portion of Phase 2 that depicts proposed lots, an overall interconnected system of roadways with both on-street and on-lot parking, sidewalks, and two (2) centrally-placed, community open space areas are shown. While the revisions proposed in Phase 2 include lots for townhomes and single-family dwellings, the overall project contains a variety of housing types that includes single-family houses, townhouses, and two-over-two units, but the project no longer contains multi-family residential units as originally approved.

With the recommended design revisions reflected on the Plan, the current proposal will generally facilitate the planned interconnected street network previously approved. The street system, with the design revisions incorporated, will promote transportation efficiency by creating a flexible web of possible travel routes, and potentially distributing transportation load across the network.

*The subdivision design shall take advantage of the uniqueness of the site reflected by the topography, soils, the wooded areas, water bodies and the relationship to adjoining subdivisions and land uses, both proposed and existing.*

The overall Westview South Residential project integrates Ballenger Creek and an associated planned County trail network into the design. The Site is relatively flat and does not contain flooding or wet soils, wooded areas, or wetlands. Surrounding retail uses provide support services. The proposed changes to Phase 2 maintain these elements.

- **Block Shape §1-16-218**

*The maximum block dimension shall be 1,800 feet.*

No block dimension is greater than 1,000 feet. The removal of the multi-family units, the addition of townhomes with different sizes and styles, and the location and enhancement of open space create variety in the arrangement and size of blocks in the proposed development of Phase 2. Pedestrian circulation is supported by the placement of sidewalks and paths.

- **Lot Size and Shape §1-16-219**

*The size, width, depth, shape, orientation and yards of lots shall not be less than specified in the zoning ordinance for the district within which the lots are located and shall be appropriate for the type of development, the use contemplated, and future utilities.*

*Setbacks and height within the Planned Development Districts (PUD & MXD) shall be established by the Planning Commission at Phase II as provided in §1-19-10.500.7(F)(2) of the Zoning Ordinance.*

The project setbacks and building heights for Phase 2 are not proposed for modification and will adhere to the previously approved dimensions, shown below:

	Single Family Detached	Single Family Attached (Townhomes)
Front Yard:	0'	0'
Rear Yard:	3'	3'
Rear Yard Accessory	3'	3'
Side Yard:	5'	5'
Side Yard Accessory:	0'	0'
Height:	50'	50'

The lot setbacks for the front-loaded townhomes proposed for Phase 2 differ from the rear-loaded, alley townhome lots; the distinction between these townhome lots' setbacks need to be reflected on a revised building dimension chart in note no. 3 on the Plan. Narrow setbacks correspond to typical dimensions in urban settings, and are appropriate for this Project in that it is generally designed with an urban density range and style of layout. The requested setbacks are also intended to provide flexibility to the Applicant for building placement on residential lots.

- **Site Development §1-19-3.300.4 (A)**

*Existing and anticipated surrounding land uses have been adequately considered in the design of the development and negative impacts have been minimized through such means as building placement or scale, landscaping, or screening, and an evaluation of lighting. Anticipated surrounding uses shall be determined based upon existing zoning and land use designations.*

The Project is located in close proximity to schools, commercial uses, and employment. The Ballenger Creek Trail will provide a recreational amenity for future residents, and the Ballenger Creek Park is near the Site

Section 1-19-6.400 of the Zoning Ordinance requires landscaping, screening and buffering on a development site as part of the site plan review process. In 2016, the Planning Commission approved a landscaping modification to the Westview South Preliminary/Site Plan to allow planting of street trees within a planting strip of reduced width and a spacing that is intermittently greater than the required 35-ft. spacing.

The Project generally meets the code requirements by providing landscaping within the open space. Street trees are provided, however additional landscaping with deciduous trees is needed on the north side of Executive Way from Ironsides Drive to Constitution Street to provide buffering for the houses. This may involve placement of on-lot trees (lots 400-407) with shortening of the driveway lengths and increasing the front-yard setback.

A photometric plan has been provided that includes light fixture that meet the height requirement of 14-ft. for pedestrian oriented lighting as measured from the ground surface to the midpoint of the source of illumination. Note 6 on the Cover Sheet also indicates that architecturally mounted wall lights will be provided. This note must be revised if the Applicant does not install building mounted lights.



## **TRANSPORTATION AND PARKING**

- **Street, Common Driveway and Sidewalk Construction §1-16-109**

*The project shall provide for the complete construction of street improvements, including drainage facilities as provided in §1-16-234 through §1-16-241 of the Subdivision Regulations and in accordance with the Frederick County Design Manual.*

There is no change to the general specifications and strategy for the provision of sidewalks in Phase 2, except that the inclusion of front-loaded townhomes in the project creates potential obstacles and obstructions for pedestrians using the sidewalks that cross individual driveways if sufficient distance between the garages and sidewalk is not provided. Planning Commission policy is a minimum 20-ft. separation; the front-loaded townhomes in Phase 2 show a 23-ft. separation between the garages and sidewalks.

Sidewalks are provided from Ironsides Drive and Constitution Street to the new Open Space No. 2-2. An existing 8-ft. asphalt path exists along Executive Way for the entire frontage of the Westview South Residential project, from New Design Road to Buckeystown Pike. Marked street crossings are provided at appropriate intersections. The sidewalk network provides internal pedestrian mobility and facilitates movement to and from adjacent land uses. Sidewalks are provided that link the entire Westview South Residential project to the commercial uses to the east. The pedestrian network connects the larger project to the Ballenger Creek Trail.

- **Right of Way and Paved Surface Widths §1-16-235**

*Whenever a proposed subdivision includes or abuts streets designated on the Highway Plan section of the Comprehensive Plan, the Planning Commission shall require, by dedication to public use, adequate right-of-way for the coordination of roads within the subdivision with other existing, planned or platted roads.*

The County Comprehensive Plan classifies New Design Road and MD 85 as Major Arterials. Executive Way is identified as a local road. Right of way for these roads has been provided according to County standards and improvements to these roads have been or will be completed in the near future. Roads within the subdivision provide the standard right of way and paved surface widths required by the County as shown on Sheet No. 9. No changes to these roadways are proposed as part of the Phase 2 modifications.

- **Other Street Requirements §1-16-236K**

The revisions proposed in Phase 2 do not propose cul-de-sacs, but do include roads and alleys that are considered dead-end streets. However, in MXD projects, the length and existence of dead-end streets can be approved by the Planning Commission on a case by case basis. The following list of dead-end alleys/roads include their lengths, a description of their unique circumstances, and warranting provisions for approval:

- 1) Delegate Alley West (220 ft.) and Representation Lane (210 ft.). These alleys are 20-ft in width and end at the project's western border at New Design Road. An extension of these alleys to New Design Road is infeasible, plus a looping design links these alleys in a circular fashion to Ironsides Drive.
- 2) Revolutionary Lane (240 ft.). This alley alternates between a 16-ft and 20-ft pavement width and truncate at Ironsides Drive and Executive Way. Adequate circulation is provided via a looping design that provides 2 access points from this alley to Constitution Street.
- 3) McDonough Place (260 ft.). This short section of road in Phase 2 borders the 3.1-acre remainder area and ends at lot 549 with a temporary turn-around provided. A connection of this dead-end road to Revere Lane will be critically examined during the review process of the

future design of the 3.1-acre remainder.

- **Transportation and Parking §1-19-3.300.4 (B)**

*The transportation system and parking areas are adequate to serve the proposed use in addition to existing uses by providing safe and efficient circulation, and design consideration that maximizes connections with surrounding land uses and accommodates public transit facilities.*

The Westview South Residential project has one access point with New Design Road and multiple access points with Executive Way. The project's overall future, completed design and road network will link existing and planned road networks and will generally promote safe and efficient circulation.

Parking standards for the project are provided within Zoning Ordinance §1-19-6.220 and §1-19-3.300.4(B). The 2016 Westview South Preliminary/Site Plan received a parking modification to allow on-street parking spaces to address the deficit in on-lot parking spaces in the entire project.

Within Phase 2 currently under review, the total required parking is 370 spaces: 22 for the single-family lots, and 348 for the townhome lots, for a total of 370 parking spaces. All units proposed for the revised Phase 2 include 2-car garages. The Project supplies parking spaces in the revised Phase 2 area in the following quantities:

Unit Type	# of Dwellings	Parking Spaces Required (Phase 2)	On-lot Parking Spaces Provided <sup>1</sup> (Phase 2)
Single Family Detached	11	22	33
Single Family Attached (Townhome)	139	348	417
Total		370	450
Additional On-Street Parking Provided <sup>2</sup>			408

1) Includes 2 driveway spaces provided per unit and 1 garage parking space provided per unit (utilizing the policy that only ½ of a garage parking space is counted towards provided parking (each unit in Phase 2 proposes a 2-car garage)

2) Combination of private and public on-street parking, plus off-lot -parking bays within the entire Westview South Residential project.

## **PUBLIC FACILITIES AND UTILITIES**

- **Public Facilities - Road Adequacy §1-16-12**

The overall project has one limited access point (no left out movement permitted) to New Design Road (an 80' paved width major arterial adjacent to the project site). There also are three access points (two full-movement and one right-in only) along Executive Way, which is a designated local road that functions as a collector. Access and proposed sight distance at entry points along



Executive Way and New Design Road are adequate. Access to the project is not changing as part of the modifications to Phase 2.

The subdivision would be served by the Westview/United Fire Company Service Area. The fire company is located on and would utilize New Design Road to serve the project.

- **Parks §1-16-111**

At the time of Phase I rezoning for the Westview South MXD, open space/green area requirements were set at 63 acres. Condition 3 of the Phase I rezoning approval (Ord.# 13-10-638) requires dedication by the developer of a 22.49 +/- acre public use site for park purposes prior to recordation of the Project's first residential lot. This public use site is planned to provide a portion of the Ballenger Creek Trail. This site was conveyed to the County on February 17, 2015 per the deed recorded in the Frederick County land records in Book 10423 on page 0083.

A community center and pool, as shown on the initial 2014 Westview South Preliminary/Site Plan, was approved in June 2015 (AP#15160), and is currently under construction.

The proposed Combined Preliminary/Site Development Plan for Phase 2 retains a 10,000 square foot (0.23 ac.) open play/sitting area, plus identifies 2 new community open space areas, each measuring 0.8 acres in size. All open space areas within Phase 2 contain shade trees and landscaping, and 2 of the open space areas include benches and lighting. This additional recreation area increases the amount of amenity relative to the originally-approved amenities plan and enhances the open space network provided in the original plan. Plan note No. 8 needs to be revised to indicate the new number of total units in the project for calculation of recreation and open space requirements.

- **Public Utilities §1-19-3.300.4 (C)**

*Where the proposed development will be served by publicly owned community water and sewer, the facilities shall be adequate to serve the proposed development.*

The Project is to be served by public water and sewer service and carries a current Water and Sewerage Plan classification of W-3, S-3. The Site will be served by the New Design Water System and the Ballenger-McKinney Waste Water Treatment Plant. The proposed revisions in Phase 1.3C have been reviewed and approved by the Division of Utilities and Solid Waste Management.

A second amended and restated Adequate Public Facilities Ordinance Letter of Understanding (LOU) was approved in May of 2014 as part of the prior application.

## **NATURAL FEATURES**

- **Land Requirements §1-16-217(B)**

*The subdivision design shall take advantage of the uniqueness of the site reflected by the topography, soils, the wooded areas, water bodies and the relationship to adjoining subdivisions and land uses, both proposed and existing.*

A major feature of the overall Westview South Residential project that contributes to its uniqueness is the Ballenger Creek corridor and the associated trail network being developed along the length of the creek. The overall project takes advantage of this adjacent feature by providing a planned connection to the open space corridor and trail along Ballenger Creek. This proposed revision does not affect trail access. The Site does not contain wet or flooding soils or wooded areas.

- **Floodplain Developments §1-16-220**

There is no development proposed in the mapped FEMA 100-year floodplain on the Project Site.

- **Natural features §1-19-3.300.4 (D)**

*Natural features of the site have been evaluated and to the greatest extent practical maintained in a natural state and incorporated into the design of the development. Evaluation factors include topography, vegetation, sensitive resources, and natural hazards.*

The Project Site has low topographical gradients and has undergone mass grading in preparation for development. The Site has no existing forest cover and other existing natural resources, such as Ballenger Creek, have been identified, preserved, or integrated into the recreational amenities of the development in a fashion that maintains a natural state.

## **COMMON AREAS**

- **Common Areas §1-19-3.300.4 (E)**

*If the plan of development includes common areas and/or facilities, the Planning Commission as a condition of approval may review the ownership, use and maintenance of such lands or property to ensure the preservation of such areas, property, and facilities for their intended purposes.*

The Phase 2 revisions add additional community green /open space areas. Additionally, a community center, swimming pool, and adjacent park space was approved in the Westview South Residential project in 2014. With the exception of the Ballenger Creek Trail corridor, proposed open space and common areas will be owned and maintained by the community homeowners association.

An amenities plan was submitted with the public hearing Plan set for the current request, but needs to be added as a full size sheet to the Plan set, with details and revisions as described in the list of conditions in the Recommendation section on page 19. Additionally, with 3 entities (WVS Parcel 400 LLC/Matan, MB Westview South LLC, Westview South Commercial Association) involved in the overall Westview South project, the amenities plan must list the responsible party for each listed item, the completion date or trigger milestone (if not already shown) for each item.

Coordination between the developers of Phase 1 and the Applicant for all design details (materials, size, styles, colors, etc.) associated with the placement of street lights, street signs, fencing, community mailboxes, waste receptacles, benches, and play equipment must be formalized in a signed agreement prior to final Plan approval for the Phase 2 revisions, in order to maintain consistency between Phase I and Phase 2.

## **Other Applicable Regulations**

- **Moderately Priced Dwelling Units – Chapter 1-6A**

Per Section 1-19-8.620.2, all residential developments consisting of 25 units or more on public water and sewer are required to provide no less than 12.5% of the total units as MPDUs. Accounting for the current revision of the plan, an overall total of 448 dwellings is proposed. Therefore, 56 MPDUs are required. However, the Applicant has elected to utilize the Payment-in-Lieu of building (PIL) option as allowed in accordance with §1-6A-5.1 of the Frederick County Code.

The Applicant shall amend the current MPDU Agreement through the Frederick County Department of Housing. Note no. 6 on the plan must be revised to include the recording reference for the amended MPDU PIL.



- **Stormwater Management – Chapter 1-15.2**

A stormwater management concept plan for the entire project was approved on February 25, 2014. Changes proposed in this revision will be addressed as the plan proceeds through Improvement Plan review.

- **APFO – Chapter 1-20**

A Second Amended and Restated APFO Letter of Understanding, (AP #13146) was approved and effective May 21, 2014 and effective through February 12, 2019. This approval was for 12,500 sq. ft. of employment use and 531 dwelling units. The conditions of the approved LOU have been satisfied. This proposed plan has lower student yield and trip generation relative to prior approvals and is thus exempt from further APFO consideration. APFO Exemption AP#17805 has been approved by staff.

- **Forest Resource – Chapter 1-21:**

The FRO plan for the overall Westview South Residential Project was approved in 2008 (AP7278) and the required FRO easements were recorded. The change in the dwelling unit mix does not impact the previously approved FRO; A FRO Exemption was approved in September 2017 (AP 17806) for the revisions to Phase 2.

- **Historic Preservation – Chapter 1-23:**

No historically significant structures or other resources are present on this Site.

#### Summary of Agency Approval Status

Other Agency or Ordinance Requirements	Comment
Development Review Engineering (DRE)	Approved
Development Review Planning	Hold
Division of Utilities and Solid Waste Management (DUSWM)	Conditionally Approved
Health Department	Approved
Office of Life Safety	Approved
Development Review Traffic Engineering	Approved
Forest Resource (FRO)	Approved

## **RECOMMENDATION**

If the Planning Commission conditionally approves the Combined Preliminary Subdivision/Site Development Plan, the Site Development Plan is valid for a period of three (3) years from the date of Planning Commission approval and the Preliminary Plan is valid for a period of five (5) years. However, both are limited by the term of the APFO approval. Therefore, both the Site Development Plan and the Preliminary Plan are valid until February 12, 2019.

Based upon the findings and conclusions as presented in the staff report the application meets or will meet all applicable zoning, APFO, and FRO requirements once the following conditions are met:

1. The Applicant shall address all agency comments as the plan proceeds through to completion.
2. Planning Commission approval of the proposed dead-end roadways: Delegate Alley West, Representation Lane, Revolutionary Lane, and McDonough Place.
3. Planning Commission approval of the proposed lot sizes, setbacks and height.
4. Planning Commission approval of the parking modification to allow the use of a combination of on-street and on-lot parking spaces to meet the target parking requirements.
5. Prior to signature approval the Applicant shall update the Landscape Plan to include installation of deciduous trees on the north side of Executive Way from Ironsides Drive to Constitution Street.
6. Prior to signature approval, the Applicant shall update the Landscaping Plan to include deciduous street trees along McDonough Place in front of lots 543—549.
7. Prior to signature approval the Applicant shall revise the following Plan notes and sheet details, as described below:
  - a. Provide specifications for the proposed wall-mounted lights or remove the wall mounted lighting reference from Note No. 6
  - b. Indicate the new number of total units in Note No. 8 for calculation of recreation and open space requirements.
  - c. Remove Note No. 21 (Condominium Recordation), as condominiums are not included in Phase 2.
  - d. Describe the hatching area shown on Plat Sheet No. SP-4
  - e. Revise Note No. 3 (Proposed Building Dimensional Requirements) to add the BRLs for the new front-loaded townhome lots; Remove the 'Multi-Family' column from the chart.
  - f. Add details for the 28-ft. wide, front-loaded townhomes to the Detail Sheet No. SP-8.
  - g. Remove the 16-ft. wide, alley loaded townhome detail from Detail Sheet No. SP-8, as there are no 16-ft. wide townhome lots within Section 2.
  - h. Revise Note No. 22 to indicate a number, acceptable to Staff, of architectural elements to be added to the high visibility lots.



8. The Applicant shall amend the existing MPDU Payment in Lieu Agreement administered by the Frederick County Department of Housing and Community Development to update the total number of dwelling units to 448 and the resulting required MPDUs to 56 based upon the Westview South Revised Phase 2 Combined Preliminary/Site Plan. The agreement shall be amended and recorded with the recording reference added to Cover Sheet General Note 6 of the plan prior to issuance of the first building permit in Phase 2.
9. Prior to signature approval, depict the full roadway and pavement width in front of lots 543—549 on McDonough Place.
10. Prior to signature approval, depict within the 3.1-acre remainder area, complete street details for an east-west connection between Constitution Street and McDonough Place, and a street from Delegate Place to connect to the above-described east/west street.
11. Add a full sized amenity plan to the full Plan set and include the following revisions:
  - a. Show specifications/details for the benches, waste receptacles, and play equipment
  - b. Include details and design of the rain garden proposed in Open Space No. 2-2, No. 2-1 and the 2 other rain garden areas shown on amenities plan. Indicate whether this be used for stormwater management or simply decorative.
  - c. List responsible party/entity for each of the amenities/elements.
  - d. Indicate completion date or triggering milestone (if not already shown) for each item
12. Coordination between the developers of Phase I and the Applicant for all design details (materials, size, styles, colors, etc.) associated with the placement of street lights, street signs, fencing, community mailboxes, waste receptacles, benches, and play equipment must be formalized in a signed agreement prior to final signature approval for the Phase 2 revisions, in order to maintain consistency between Phase I and Phase 2.
13. Prior to signature approval, the Applicant shall add a note to the Plan stating that the 3.1-acre remainder area shall remain clear of stockpiling and storage of equipment, materials, vehicles, and soil.

## **PLANNING COMMISSION ACTION**

### **MOTION TO APPROVE**

I move that the Planning Commission **APPROVE** the Westview South Residential Combined Preliminary Subdivision/Site Development Plan, Phase 2 (AP#17804, SP-98-36) revisions to remove 96 multi-family units, to remove 28 '2-over-2' units, to reduce the single-family detached lots from 61 to 11, and to increase the townhome lots from 59 to 139. The approval is made **with conditions and modifications** as listed and is based on the findings and conclusions of the staff report, the testimony, exhibits, and documentary evidence produced at the public meeting.



